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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,848

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Vincenzo Di Giorgio

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EXAMINER

TRAN, QUOC DUC

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

11/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,848	Applicant(s) DI GIORGIO ET AL.	
	Examiner Quoc D. Tran	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 46 recite "computer readable medium encoded with a computer program product", however the specification does not provide proper antecedent basis for the claimed subject matter.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 24-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhagat et al (5,559,862) in view of Scherer (6,975,708).

Consider claims 24, 35 and 45-46, Bhagat et al teach a system and method for processing a calling line identity presentation supplied by a communication network to a called user following a call made by a calling user to the called user in said communications network (see abstract; *col. 4 lines 59-60*), comprising the steps of: selectively identifying an identification code (i.e., long-distance or international prefixes) used by said called user for calling back said calling user (see *col. 3 line 44 - col. 4 line 4; col. 4 line 45 – col. 5 line 13*); and inserting said identification code into said calling line identity presentation supplied by said communication

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network to said called user following the call made by said calling user (see col. 4 lines 5-18; col. 5 lines 14-40).

Bhagat et al did not suggest where the identification code associated with a long distance operator (i.e., PIC, Preferred Inter-exchange Carrier). However, Scherer teaches a method and system where a carrier code is inserted in the dialed number (i.e., outgoing call or callback) (see col. 20 lines 43-47).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modifying the teaching of Bhagat et al to include the insertion of the carrier code into line number in order to provide the user with the flexibility of choosing a particular carrier to handle his/her calls.

Consider claim 25, Bhagat et al teach wherein an operator which can be used by said called user for calling back said calling user is associated with said identification code (col. 3 lines 30-42).

Consider claims 26 and 36, Bhagat et al teach wherein said operator which can be used by said called user is a long-distance operator (i.e., roaming) (col. 3 lines 30-42).

Consider claims 27-28 and 37-38, Bhagat et al teach wherein the step of inserting said identification code into said calling line identity presentation is omitted when said call made by said calling user to said called user is a local call or served by the same area prefix (col. 3 line 57 – col. 4 line 14). It should be noted that if the call back number is in the same calling area as the called party, no long-distance "1" or international "011" is added to the call back telephone number.

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Consider claims 29 and 39, Scherer teaches the system and method further comprising the step of including a billing code in said identification code (see col. 20 lines 43-47).

Consider claims 30 and 40, Bhagat et al teach the system and process comprising the step of identifying said operator which can be used by said called user for calling said calling user as the operator with which the called user is registered as a subscriber (col. 3 lines 30-42).

Consider claims 31 and 41, Bhagat et al teach the system and process comprising the step of identifying said operator which can be used by said called user for calling said calling user as a default operator in the absence of any selection made previously by said called user (col. 3 lines 36-38) It should be noted that the prestored SID is the default carrier (operator) of the cellular subscriber.

Consider claims 32 and 42, Bhagat et al teach wherein said call made by a calling user to said called user is selected from the group consisting of voice calls, data calls and message transmission (col. 1 lines 8-10).

Consider claims 33-34 and 43-44, Bhagat et al teach the system and process applied to a mobile communications network, in which users who can act as called users are served by a corresponding Home Location Register, comprising the step of storing said corresponding identification code which can be inserted into said calling line presentation in said corresponding Home Location Register and the step of inserting said corresponding identification code into said calling line presentation even when said called user is in the roaming state (see col. 3 line 30 – col. 4 line 4). It should be noted that Bhagat et al inherently teach the Home Location Register and roaming facility (visitor location register) since Bhagat et al disclosed of cellular system and roaming capability.

Response to Arguments

4. Applicant's arguments filed 8/24/2009 have been fully considered but they are not persuasive.

Regarding applicant argument that Bhagat does not disclose or suggest that the “call is made by a calling user to the called user” as claimed. Accordingly the examiner respectfully disagrees with applicant assertion. In telecommunication, “a call” can be any form of communications or attempt for communications between at least two parties or devices. Bhagat et al show a caller who wishes to send a **paging message** to a called party of a mobile telephone. Bhagat et al “paging message” [for callback] intended to communication of a message from calling party to an intended party. Thus, Bhagat et al “paging message” fit the definition of a call. Furthermore, applicant's abstract disclosed where a call can be a voice call, a data call, or a SMS or MMS message. These messages are similar or the same as paging messages. Therefore, Bhagat et al teach “call made by a calling user to the called user”.

In response to applicant's argument that the references fail teach or disclose features of applicant's invention because the cited references require additional input from calling user, it is noted that the features upon which applicant relies (i.e., **does not** require calling user to input additional information to route the call) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant argues that both Bhagat and Scherer require the [calling] user to input additional information to route the call. Accordingly, nowhere in applicant claims [24 and 35] suggest of not requiring additional information (i.e., callback information) from the calling user. In fact, the

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claimed features only directed to processing of the received information and presented to the called user thereof. Bhagat disclose of processing the calling line identity (ANI) along with the callback information to present to the called party. Thus, whether Bhagat or Scherer required the additional information (callback information) from the calling user is irrelevant since the claims [24 and 35] do not positively claimed or recite the received information for processing does not required addition input from the calling user. Therefore, the claims have been given the broadest reasonable interpretation as presented.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

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(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on Monday-Friday from 8:00 to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Quoc D Tran/
Primary Examiner, Art Unit 2614
November 14, 2009